

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.17.127, pertaining to prevailing) ON PROPOSED AMENDMENT
wage rates for public work projects -)
building construction services)

TO: All Concerned Persons

1. On June 9, 2006, at 10:00 a.m. a public hearing will be held in the first floor conference room, Room 104 of the Walt Sullivan Building, 1327 Lockey Avenue, Helena, Montana to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on June 5, 2006, to advise us of the nature of the accommodation that you need. Please contact Mike Hohn, Research and Analysis Bureau, Department of Labor and Industry, P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5567; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 444-2638; e-mail MHohn@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.17.127 ADOPTION OF STANDARD PREVAILING RATE OF WAGES

(1) through (1)(d) remain the same.

(e) The current building construction services rates are contained in the 2005 2006 version of "The State of Montana Prevailing Wage Rates - Building Construction Services" publication.

(f) through (3) remain the same.

AUTH: 2-4-307, 18-2-409, 18-2-431, 39-3-202, MCA

IMP: 18-2-401, 18-2-402, 18-2-403, 18-2-406, 18-2-411, 18-2-412, 18-2-422, 18-2-431, MCA

REASON: There is reasonable necessity to amend ARM 24.17.127 to update the building construction services rates. Pursuant to Chapter 517, Laws of 2001 (House Bill 500), the department is to conduct an annual survey of contractors in order to set the standard prevailing rate of wages for construction services. Prior to the enactment of Chap. 517, L. of 2001, the department conducted biennial surveys to establish the wage rates. There is reasonable necessity to amend the prevailing wages for building construction services, which were last updated in 2005. The

department notes that prevailing wage rates for heavy construction and highway construction services were updated effective March 10, 2006.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Todd Younkin, Research and Analysis Bureau, Workforce Services Division, Department of Labor and Industry, 840 Helena Avenue, P.O. Box 1728, Helena, Montana 59624-1728, by facsimile to (406) 444-2638, or by e-mail to tyounkin@mt.gov, and must be received no later than 5:00 p.m., June 16, 2006.

5. An electronic copy of this Notice of Public Hearing is available through the department's site on the World Wide Web at <http://dli.mt.gov/events/calendar.asp>. The department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. An electronic copy of the proposed 2006 publication, identified as "preliminary building construction rates" is available and can be accessed on-line via the internet at www.ourfactsyourfuture.org, under the listing "publications."

A printed version of the proposed 2006 publication is also available by contacting Mike Hohn, at the address or telephone numbers listed in paragraph 2.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request, which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Department of Labor and Industry administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Department of Labor and Industry, attention: Mark Cadwallader, 1327 Lockey Avenue, P.O. Box 1728, Helena, Montana 59624-1728, faxed to the department at (406) 444-1394, e-mailed to mcadwallader@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

9. The department's Hearing Bureau has been designated to preside over and conduct this hearing.

/s/ MARK CADWALLADER

Mark Cadwallader
Alternate Rule Reviewer

/s/ DORE SCHWINDEN

Dore Schwinden, Deputy Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified by the Secretary of State May 8, 2006